

SRI LANKA 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Sri Lanka is a constitutional, multiparty democratic republic with a freely elected government. Presidential elections were held in 2019, and Gotabaya Rajapaksa won the presidency. He appointed former president Mahinda Rajapaksa, his brother, as prime minister. On August 5, Prime Minister Mahinda Rajapaksa led the Sri Lankan People's Freedom Alliance and small allied parties to secure a two-thirds supermajority, winning 150 of 225 seats in parliamentary elections. COVID-19 travel restrictions prevented international observers and limited domestic election observation. Domestic observers described the election as peaceful, technically well managed, and safe considering the COVID-19 pandemic but noted that unregulated campaign spending, abuse of state resources, and media bias affected the level playing field.

The Sri Lanka Police are responsible for maintaining internal security and are under the Ministry of Public Security, formed on November 20. The military, under the Ministry of Defense, may be called upon to handle specifically delineated domestic security responsibilities, but generally without arrest authority. The nearly 11,000-member paramilitary Special Task Force, a police entity that reports to the inspector general of police, coordinates internal security operations with the military. Civilian officials maintained control over the security forces. Members of the security forces committed some abuses.

The Sri Lanka parliament passed the 20th Amendment to the constitution on October 22. Opposition political leaders and civil society groups widely criticized the amendment for its broad expansion of executive authority that activists said would undermine the independence of the judiciary and independent state institutions, such as the Human Rights Commission and the Elections Commission, by granting the president sole authority to make appointments to these bodies with parliament afforded only a consultative role.

Following the April 2019 suicide bomb attacks that killed more than 250 persons, the government declared a state of emergency under the Public Security

SRI LANKA

Ordinance, deployed the armed forces domestically, and granted them arrest authority. The state of emergency expired in August 2019, ending the temporary arrest authorities granted to the armed forces. The government, however, gazetted an order deploying the armed forces to ensure public security each month since the expiration of the state of emergency, keeping the military continuously deployed. Despite dozens of arrests for alleged material support to the deceased suicide bombers and continuing investigations, no suspects had been prosecuted for involvement in the attacks.

Significant human rights issues included: unlawful killings by the government; torture and cases of cruel, inhuman, or degrading treatment or punishment by government agents; arbitrary arrest and detention by government entities; arbitrary and unlawful interference with privacy; restrictions on free expression and the press, including unjustified arrests of journalists and authors; widespread corruption; overly restrictive nongovernmental organization laws; interference with the freedom of peaceful assembly and freedom of association; serious acts of corruption; lack of investigation of violence against women; trafficking in persons; crimes involving violence targeting members of ethnic minority groups; crimes involving violence against lesbian, gay, bisexual, transgender, and intersex persons; and existence or use of laws criminalizing same-sex sexual conduct.

Police reportedly harassed civilians with impunity. The government took steps to investigate and prosecute some officials who committed human rights abuses.

Section 1. Respect for the Integrity of the Person, Including Freedom from

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were reports that the government or its agents committed several arbitrary or unlawful killings.

Journalists reported at least five separate incidents of police killing suspected drug dealers during arrests or raids. For example, on October 20, Samarasinghe Arachchige Madush Lakshitha, alias “Makandure Madush,” was shot and killed

SRI LANKA

during a police raid in Colombo. Police reportedly took Madush, who was in police custody, along on the raid to help locate a stash of heroin, but during the raid he was allegedly killed in the crossfire. Politicians, rights activists, and press accused the government of staging Madush's death to prevent names of politicians involved in the drug trade from being disclosed in court. National People's Power (NPP) Member of Parliament (MP) Vijitha Herath told parliament, "This is not the first killing of this nature. There have been several other similar killings. The issue is not Madush's killing but the manner in which he was killed." Herath noted that in January 2019 Madush had called into a radio program and accused unnamed politicians of involvement in drug trafficking.

On November 29, prison guards at the Mahara prison in Gampaha District opened fire on prisoners, killing 11 and injuring more than 100, according to human rights activists and press reports. Prison guards fired on prisoners reportedly attempting to escape during a riot sparked by panic related to a COVID-19 outbreak in the prison. Human rights activists noted that Mahara prison was severely overcrowded, holding more than 2,000 inmates, despite its official capacity of 1,000, and said that nearly half of the prisoners were COVID-19 positive. Autopsies conducted on eight of the victims by a panel appointed by a court at the attorney general's request indicated they all died of gunshot wounds; autopsies on the remaining three were pending. A committee appointed by the Justice Ministry to investigate the incident issued a report that was not made public. The Mahara unrest followed a November 17 incident at Bogambara prison in Kandy where one prisoner was killed, and a March 21 incident at Anuradhapura prison in which guards opened fire on prisoners protesting COVID-19 conditions and killed two prisoners and injured several others. Police announced investigations into all three incidents, but no public disciplinary action or arrests were made in connection with the shootings.

On September 7, the Court of Appeal issued an interim order directing the commissioner general of prisons to make arrangements for Premalal Jayasekara, a member of the ruling Sri Lanka Podujana Peramuna (SLPP), who was imprisoned on death row for the 2015 murder of a rival political party supporter, to attend the parliament. Despite the attorney general's legal recommendation against seating Jayasekara and protests from opposition lawmakers, Jayasekara was sworn into

SRI LANKA

parliament on September 8, becoming the first MP to concurrently serve a murder sentence and serve as a member of parliament. Jayasekara appealed his conviction and requested bail while he awaited his appeal hearing. As of year end, he had not been granted bail.

On January 7, authorities transferred Shani Abeysekera, then director of the Criminal Investigations Department (CID) of the Sri Lanka Police, from his post, demoting him to an administrative role. On July 31, the Colombo Crimes Division (CCD) of the police arrested Abeysekera on charges of fabricating evidence in a 2013 case. Civil society considered the demotion and arrest to be reprisal for Abeysekera's investigations into several high-profile murder, disappearance, and corruption cases involving members of the current government, including members of the Rajapaksa family.

On July 15, the Colombo High Court trial at bar acquitted Prisons Officer Indika Sampath of murder and related charges for the killing of eight inmates, allegedly at then defense secretary Gotabaya Rajapaksa's request, during the 2012 Welikada Prison Riots. The trial-at-bar court maintained that sufficient evidence had not been presented to prove the charges against Sampath.

Lack of accountability for conflict-era abuses persisted, particularly regarding military, paramilitary, police, and other security-sector officials implicated and, in some cases, convicted of killing political opponents, journalists, and private citizens. Civil society organizations asserted the government and the courts were reluctant to act against security forces, citing high-level appointments of military officials credibly accused of abuses and pardons of convicted murderers, including Army staff sergeant Sunil Ratnayake and the seating in parliament of convicted murderer Premalal Jayasekara. During the year there was no progress on cases against officials accused of arbitrary, unlawful, or politically motivated killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities. Disappearances during the war and its aftermath remained unresolved.

SRI LANKA

In February the Office on Missing Persons (OMP) received authorization to issue Interim Reports (which can be used to obtain a Certificate of Absence) to the relatives of the missing and disappeared. The Interim Reports and Certificates of Absence can be used by family members to legally manage the assets of missing persons and assume custody of children. The OMP reported that it had provided more than 600 Certificates of Absence for the families of missing persons and accelerated the process of issuing the certificates throughout the year, although efforts were slowed by COVID-19. On December 11, the OMP published online lists of those reported missing or disappeared for 24 districts. The OMP press release stated that the lists included persons who went missing or were disappeared in connection with Sri Lanka's civil war, political unrest, or civil disturbances, or as enforced disappearances, and personnel of the armed forces or police who were identified as missing in action. The lists included 9,391 cases obtained from direct complaints, complaints obtained by the former Ministry of National Integration and Reconciliation, and names of missing-in-action personnel provided by the armed forces. The OMP's press release noted that the list for the Batticaloa District, which had the largest numbers of complaints, was still under review but would be released shortly. Each case in the lists had a reference number assigned by the OMP as well as the name of the victim, date, and district in which the disappearance took place, and the district where the disappeared person last resided.

On January 17, President Rajapaksa told a UN official that all persons believed to be missing were dead. He stated that after investigations, steps would be taken to issue death certificates for the allegedly missing persons. His remarks provoked criticism from civil society groups and families of the disappeared as a dismissal of their calls for investigations and their right to know the full and complete truth about the circumstances of their deaths. Civil society actors and families of the disappeared suggested that issuing death certificates for the missing and disappeared, without investigation and disclosure of what happened to them, promoted impunity for those who were responsible for the disappearances.

On September 2, the trial of seven intelligence officers accused of participating in the 2010 disappearance of Prageeth Eknaligoda, a journalist and cartoonist for the newspaper *Lanka eNews*, began at the Permanent High Court. The disappeared

SRI LANKA

journalist's wife, Sandya Ekneligoda, testified as the first witness to the case. Sandya Ekneligoda faced harassment from officials who claimed, without proof, that she coordinated with Liberation Tigers of Tamil Elam (LTTE)-affiliated NGOs to discredit the country before the UN Human Rights Council. Officials further blamed the 2019 Easter bombing on a paralysis of intelligence agencies caused by human rights investigations, including that of Prageeth Eknaligoda's disappearance. The case was underway at year's end.

Two human rights activists, Lalith Kumar Weeraraj and Kugan Muruganandan, went missing in 2011 during Gotabaya Rajapaksa's tenure as defense secretary. The Jaffna Magistrate's Court in 2019 presented a summons to Gotabaya Rajapaksa requiring him to appear as a witness in connection with the disappearance, but his attorneys claimed that he could not, as a presidential candidate, appear in Jaffna due to security concerns, which the court accepted. Despite the ruling Rajapaksa travelled to Jaffna for campaign visits during the presidential race. After his election, the Attorney General's Department informed the court that the president was immune to judicial processes under the constitution.

On February 24, the Special Permanent High Court at Bar issued a summons for the former commander of Sri Lanka Navy, Admiral of the Fleet Wasantha Karannagoda, who was named in the case of the abduction and disappearance of 11 youths from Colombo in 2008 and 2009. This was the fourth summons issued to Admiral Karannagoda, who had failed to appear in court when previously summoned. On June 24, despite contrary arguments by the Attorney General's Department, the Court of Appeal granted permission to hear Karannagoda's appeal and issued the interim injunction preventing the trial at bar from proceeding. Karannagoda remained free pending his appeal.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices, but authorities reportedly employed them. The law makes torture a punishable offense and mandates a sentence of not less than seven years' and not more than 10 years' imprisonment.

SRI LANKA

The government maintained a Committee on the Prevention of Torture to visit sites of allegations, examine evidence, and take preventive measures on allegations of torture. The Prevention of Terrorism Act (PTA) allows courts to admit as evidence any statements made by the accused at any time and provides no exception for confessions extracted by torture.

Interviews by human rights organizations found that torture and excessive use of force by police, particularly to extract confessions, remained endemic. The Human Rights Commission of Sri Lanka (HRCSL), for example, noted that many reports of torture referred to police officers allegedly “roughing up” suspects to extract a confession or otherwise elicit evidence to use against the accused. As in previous years, arrestees reported torture and mistreatment, forced confessions, and denial of basic rights, such as access to lawyers or family members.

The HRCSL documented 260 complaints of physical and mental torture from January to August in addition to 37 complaints from prisoners. In response to allegations of torture, the HRCSL carried out routine visits of detention centers.

Impunity remained a significant problem characterized by a lack of accountability for conflict-era abuses, particularly by military, paramilitary, police, and other security-sector officials implicated and, in some cases, convicted of killing political opponents, journalists, and private citizens. Civil society organizations asserted the government, including the courts, were reluctant to act against security forces alleged to be responsible for past abuses, citing high-level appointments of military officials alleged to have been involved in such abuses. During the year there was no progress on cases against officials accused of arbitrary, unlawful, or politically motivated killings.

On January 9, President Rajapaksa appointed a Presidential Commission of Inquiry (PCoI) to Investigate Allegations of Political Victimization from 2015-2019. The PCoI conducted 10 months of closed-door hearings, interrogating opposition politicians, as well as police, lawyers and judges who had led investigations into corruption and alleged human rights abuses and presented its findings to the government in December in a confidential 2,000-page report. The PCoI faced particular criticism when its chair, Upali Abeyratne, a retired Supreme Court judge ordered the Attorney General (AG) to cease investigations into the Trinco 11

SRI LANKA

disappearance case allegedly perpetrated by naval officers and summoned and interrogated a key witness in the ongoing 2010 disappearance case of journalist Prageeth Eknaligoda, resulting in the witness recanting prior testimony. In both instances, the Attorney General publicly denounced the PCoI's efforts, saying that the Commission had no power to investigate the AG or his officials or interfere in ongoing investigations. Civil society activists said the PCoI "has spent the past year treating perpetrators as victims and attempting to interfere in ongoing [criminal] investigations." In December, President Rajapaksa appointed Abeyratne chair of the Office on Missing Persons (OMP), the state body charged with investigating disappearances.

On March 26, President Rajapaksa pardoned a death row prisoner, former staff sergeant Sunil Ratnayake. After a 13-year-long trial, Ratnayake had been sentenced to death in 2015 for the 2000 killings of eight Tamil internally displaced persons (IDPs), including a five-year-old child and two teenagers. The Supreme Court upheld the conviction on appeal in 2019. The pardon, for which no formal justification was issued, was condemned by opposition political leaders, civil society groups, and international NGOs for overturning what had been a rare, emblematic example of official accountability in the country. On September 24, the Supreme Court took up a petition filed by civil society activists challenging the president's decision. The hearing was rescheduled to February 8, 2021, after a justice recused himself due to his involvement in Rathnayake's death sentence appeal.

Sri Lanka Podujana Peramuna (SLPP) MP H. L. Premalal Jayasekara and SLPP-aligned Tamil Makkal Viduthalai Pulikal (TMVP) MP Sivanesathurai Chandrakanthan (aka Pillayan) were elected to parliament while incarcerated. Jayasekara was convicted of murder in 2019 and sentenced to death for an election-related shooting in 2015. His appeal was pending at the end of the reporting period. Chandrakanthan (aka Pillayan) has been in pretrial remand custody since 2015 for the 2005 murder of Tamil National Alliance (TNA) MP Joseph Pararajasingham and faces allegations of human rights violations including child soldier recruitment. Both MPs were granted permission to attend the August 20 swearing in of parliament despite the Attorney General's objection to the seating of Jayasekara on the grounds that his murder conviction precluded him

SRI LANKA

from serving in parliament. On September 22, President Rajapaksa appointed Pillayan as Co-Chairperson of the Batticaloa District Coordinating Committee (DDC) charged with coordinating, implementing, and monitoring all development activities of state institutions and NGOs in the district.

Prison and Detention Center Conditions

Prison conditions were poor due to old infrastructure, overcrowding, and a shortage of sanitary facilities.

Physical Conditions: Overcrowding was a problem. On December 3, the press reported that Prisons Commissioner General Thushara Upuldeniya stated prisons in Sri Lanka were overcrowded by 173 percent, with the Colombo Welikada Prison overcrowded by 300 percent. He noted that many were imprisoned due to inability to pay fines or bail charges. Upuldeniya stated that due to overcrowding, inmates lacked adequate space to sleep and basic hygiene facilities. Authorities often held pretrial detainees and convicted prisoners together as well. In many prisons inmates reportedly slept on concrete floors, and prisons often lacked natural light or ventilation. Ministry of Justice officials stated that expanding and modernizing prisons physical infrastructure was a government priority.

Upon the outbreak of the COVID-19 pandemic, prisoners protested the overcrowded conditions in prisons. Since March security forces killed 14 prisoners during three separate incidents related to prisoner protests against COVID-19 outbreaks in prisons. On November 29, prison guards at the Mahara prison in Gampaha District opened fire on prisoners, killing at least 11 and injuring more than 100, according to human rights activists and press reports. Human rights activists noted that Mahara Prison was severely overcrowded, holding 2,750 inmates, despite its official capacity of 1,000, and claimed that at least half of Mahara prisoners had tested positive for COVID-19 as of late November. The Mahara unrest followed a November 17 incident at Bogambara prison in Kandy where one prisoner was killed, and a March 21 incident at Anuradhapura prison in which two prisoners were killed and several others injured when guards opened fire on prisoners protesting COVID-19 conditions.

SRI LANKA

The HRCSL recommended the Department of Prisons address overcrowding during the COVID-19 pandemic by releasing detainees in pretrial detention due to their inability to pay bail, prisoners who are seriously ill, older than age of 70, and those convicted of minor offenses. In February the government pardoned 512 prisoners and by September had released 3,405 prisoners on bail in accordance with the recommendations.

Administration: The HRCSL investigates complaints it receives and refers them to the relevant authorities when warranted. The HRCSL reported it received some credible allegations of mistreatment from prisoners, but the Department of Prisons reported it did not receive any complaints.

Independent Monitoring: The Board of Prison Visitors is the primary domestic organization conducting visits to prisoners and accepting complaints; it also has the legal mandate to examine overall conditions of detention. The Board of Prison Visitors functions as an internal governmental watchdog and was established under the Prisons Ordinance. Its members are representatives of civil society who are otherwise unaffiliated with the government or other state institutions. The International Committee of the Red Cross (ICRC) and the HRCSL also have a mandate to monitor prison conditions, and police largely respected their recommendations.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, but there were reports that arbitrary arrest and detention occurred.

Arrest Procedures and Treatment of Detainees

The criminal procedure code allows police to make an arrest without a warrant for offenses such as homicide, theft, robbery, and rape. Alternatively, police may make arrests pursuant to arrest warrants that judges and magistrates issue based on evidence. The law requires authorities to inform an arrested person of the reason for the arrest and arraign that person before a magistrate within 24 hours for minor crimes, 48 hours for some grave crimes, and 72 hours for crimes covered by the

SRI LANKA

PTA. Ministry of Justice officials noted that due to the limited infrastructure as well as human resources and legal constraints, in many cases more time elapsed before detainees appeared before a magistrate, particularly in PTA cases. For offenses that are bailable under the Bail Act, instead of arraignment in court, police may release suspects within 24 hours of detention on a written undertaking and require them to report to court on a specified date for pretrial hearings. Suspects accused of committing bailable offenses are entitled to bail, administered by police before seeing a magistrate. For suspects accused of nonbailable offenses, bail is granted only after appearing before a magistrate and at the magistrate's discretion.

The Bail Act states no person should be held in custody for more than 12 months prior to conviction and sentencing without a special exemption. Under the PTA, detainees may be held for up to 18 months without charge, but in practice authorities often held PTA detainees for longer periods, some for more than 10 years.

Judges require approval from the Attorney General's Department to authorize bail for persons detained under the PTA, which the office normally did not grant. In homicide cases, regulations require the magistrate to remand the suspect, and only the High Court may grant bail. In all cases, suspects have the right to legal representation, although no provision specifically provides the right of a suspect to legal representation during interrogations in police stations and detention centers. The government provided counsel for indigent defendants in criminal cases before the High Court and Court of Appeal but not in other cases; the law requires the provision of counsel only for cases heard at the High Court and Court of Appeal.

According to police, authorities arrested 2,299 individuals, primarily under the PTA, in the aftermath of the April 2019 Easter Sunday attacks. As of December, 135 suspects remained in custody, but no charges were filed against them. International NGOs continued to have access to the remaining attack suspects.

Arbitrary Arrest: As of October the National Police Commission reported 17 complaints of unlawful arrest or detention. The HRCSL received numerous complaints of arbitrary arrest and detention. Police sometimes held detainees incommunicado, and lawyers had to apply for permission to meet clients, with police frequently present at such meetings. In some cases, unlawful detentions

SRI LANKA

reportedly included interrogations involving mistreatment or torture. While the government did not report the number of persons held under the PTA, human rights groups in the north reported at least 22 PTA arrests unrelated to the 2019 Easter Sunday attacks during the year. On April 1, the inspector general of police ordered the arrest of critics of the government's COVID-19 response. Media outlets reported at least 20 arrests for publishing or sharing misinformation as of December.

On April 14, police arrested six men under the PTA, including Hijaz Hizbullah, a prominent constitutional lawyer, and Riyaj Bathiudeen, brother of MP Rishad Bathiudeen. Authorities searched Hizbullah's office and seized his telephone, computer, and some legal files. Hizbullah, an outspoken critic of the Rajapaksas, had led the Supreme Court challenge that ultimately ended the 2018 constitutional crisis when then president Maithripala Sirisena attempted to appoint Mahinda Rajapaksa prime minister. Hizbullah was ordered to be detained until January 2021, although he was not charged with a crime. Hizbullah's family reported his lawyers were only able to visit him twice since his arrest and police prohibited them from discussing details of the case with their client. On December 15, the attorney general agreed to allow counsel to meet Hizbullah after his lawyers filed a writ application at the Court of Appeal seeking access to their client. Authorities allegedly arrested Hizbullah and others for their connections to the 2019 Easter Sunday attack, but human rights lawyers claimed no credible evidence had been presented to link Hizbullah to the attack.

Families of three Muslim children alleged that, at the end of April, police abducted and interrogated the children, ages 11, 13, and 16, for two days on suspicion they received weapons training as a part of their schooling at al-Zuhriya Arabic College, an Islamic boarding school. The children's families claimed police investigators threatened the children and coerced them to sign documents they could not understand implicating Hizbullah in promoting extremist ideology.

Pretrial Detention: Pretrial detainees composed approximately one-half of the detainee population. The average length of time in pretrial detention was 24 hours, but inability to post bail, lengthy legal procedures, judicial inefficiency, and corruption often caused delays. Legal advocacy groups asserted that for those

SRI LANKA

cases in which pretrial detention exceeded 24 hours, it was common for the length of pretrial detention to equal or exceed the sentence for the alleged crime.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: A person may legally challenge an arrest or detention and obtain release through the courts. The legal process takes years, however, and the Center for Human Rights Development reported that the perceived lack of judicial independence and minimal compensation discouraged individuals from seeking legal remedies. Under the PTA, the ability to challenge detentions is particularly limited.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The constitution and law provide for the right to a fair and public trial, and an independent judiciary generally enforced this right. The law presumes defendants are innocent until proven guilty. All criminal trials are public. Authorities inform defendants of the charges against them, and they have the right to counsel and the right to appeal. The government provided counsel for indigent persons tried on criminal charges in the High Court and the Court of Appeal but not in cases before lower courts. Defendants have the right to confront witnesses against them and to present witnesses and evidence.

The law requires court proceedings and other legislation to be available in English, Sinhala, and Tamil. Most courts outside the northern and eastern parts of the country conducted business in English or Sinhala. Trials and hearings in the north and east were in Tamil and English. A shortage of court-appointed interpreters limited the right of Tamil-speaking defendants to free interpretation, as necessary. In several instances, courts tried criminal cases originating in the Tamil-speaking north and east in Sinhala-speaking areas, which exacerbated the language difference and increased the difficulty in presenting witnesses who needed to travel. Few legal textbooks were available in Tamil. Defendants have the right to

SRI LANKA

be present in court during trial and have the right to adequate time and facilities to prepare a defense. Defendants also have the right not to testify or admit guilt.

Political Prisoners and Detainees

Some Tamil politicians and local human rights activists referred to alleged former LTTE combatants accused of terrorism-related violent crimes as “political prisoners.” Politicians and NGOs reported that more than 130 such prisoners remained in detention. The government did not acknowledge any political prisoners and claimed the prisoners in question remained detained for terrorist or violent criminal acts. The government permitted access to prisoners on a regular basis by the HRCSL, magistrates, and the Board of Prison Visits, and it allowed the ICRC access to monitor prison conditions. Authorities granted irregular access to those providing legal counsel.

Civil Judicial Procedures and Remedies

Citizens may seek civil remedies for alleged human rights violations through domestic courts up to the Supreme Court.

Property Restitution

Land ownership disputes continued between private individuals in former war zones, and between citizens and the government.

The military seized significant amounts of land during the war to create security buffer zones around military bases and other high-value targets, known as high security zones (HSZs). During and immediately following the civil war, government officials frequently posted acquisition notices for HSZ lands that were inaccessible to property owners, many of whom initiated court cases, including fundamental rights cases before the Supreme Court, to challenge these acquisitions. Throughout the year, lawsuits, including a 2016 Supreme Court fundamental rights case and numerous writ applications filed with courts, remained stalled. Although HSZs had no legal framework following the lapse of emergency regulations in 2011, they still existed and remained off limits to civilians.

SRI LANKA

With the amount of remaining in dispute, many of those affected by the HSZs complained that the pace at which the government demilitarized land was too slow, that the military held lands it viewed as economically valuable for military benefit, and that military possession of land denied livelihood to the local population.

According to the acquisition notices, while most of the land acquired was for use as army camps and bases, among the purposes listed on certain notices were the establishment of a hotel, a factory, and a farm. Some Hindu and Muslim groups reported they had difficulty officially claiming land they had long inhabited after Buddhist monks placed a statue of Buddha or a bodhi tree on their property, and they described these acts as part of a “colonialization” plan to dilute the concentration of minorities in the north.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The PTA permits government authorities to enter homes and monitor communications without judicial or other authorization. Government authorities reportedly monitored private movements without authorization. During the year civil society and journalists reported allegations of surveillance.

Section 2. Respect for Civil Liberties, Including

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press, but the government sometimes restricted these freedoms. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press.

Freedom of Speech: Authorities restricted hate speech, including insults to religion or religious beliefs, through the police ordinance and penal code. The government requested media stations and outlets to refrain from featuring hate speech in their news items and segments.

On September 28, the president’s Media Division announced the government would take stern legal action against parties or individuals who intentionally shared

SRI LANKA

misinformation and misled the public. Civil society expressed concern that this legal action would suppress freedom of expression.

On July 29, Amnesty International declared Shakthika Sathkumara a prisoner of conscience. In 2019 Kurunegala police arrested Sathkumara, a 33-year-old novelist, under the International Covenant on Civil and Political Rights law, which restricts insulting any person's religion. His short story, "Ardha," which dealt with homosexuality and child sexual abuse in a Buddhist monastery, angered members of the country's Buddhist clergy. He was released on bail in August 2019 after being remanded for four months. At his criminal hearing on September 22, the court postponed the case to February 2021, pending the attorney general's instructions on whether to file indictments.

On April 9, police arrested a 50-year-old retired government Agriculture Department official, Ramzy Razeek, for an April 2 Facebook post condemning anti-Muslim racism during the COVID-19 pandemic. In the post, Razeek recommended that an "ideological jihad" should be waged with "pen and keyboard" to combat racism. He was not charged nor was he initially provided access to a lawyer. Razeek also suffered health conditions that family members feared were exacerbated by unsanitary prison conditions. On September 17, the Colombo High Court granted Razeek bail on medical grounds. As of year's end, his case remained outstanding with no charges filed.

Freedom of Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views. Some journalists, however, reported harassment, threats, intimidation, and interference from members of state security services, especially when reporting on issues related to the civil war or its aftermath, including missing persons. Tamil journalists reported military officers requested copies of photographs, lists of attendees at events, and names of sources for articles. They also reported that the military directly requested that journalists refrain from reporting on sensitive events, such as Tamil war commemorations or land occupation protests, and that they feared repercussions if they did not cooperate.

In a July 13 letter, a group of five UN special rapporteurs expressed serious concerns to the government regarding the continued harassment of journalist

SRI LANKA

Dharisha Bastians, the former editor of the newspaper *Sunday Observer* and reporter for the *New York Times* newspaper in Colombo, as well as her family. The special rapporteurs stated Bastians was being targeted for her writing and her work defending human rights in the country. The rapporteurs were concerned that the continued harassment of Bastians and the seizure of her computer and exposure of her telephone records could endanger and compromise her sources and deter other journalists from reporting on issues of public interest and human rights.

On April 1, the acting inspector general of police, C. D. Wickramaratne, issued instructions for police to arrest persons who “criticize” officials involved in the COVID-19 response or share “fake” or “malicious” messages about the pandemic. The HRCSL criticized Wickramaratne’s letter, stating that the “right to comment on, and indeed criticize, the performance of public officials or of anyone else or any policy is a fundamental aspect of a democratic society.”

On March 29, online journalist Nuwan Nirodha Alwis was arrested for allegedly publishing unverified information about a suspected COVID-19 patient. When he revealed his source, a medical doctor in a private hospital, the source was also arrested. Each was detained for two weeks before being released on bail.

Violence and Harassment: There were reports of harassment and intimidation of journalists when covering sensitive issues. Reporters alleged that authorities, sometimes in government vehicles, surveilled journalists, especially those covering protests.

In a July 15 statement, Reporters without Borders (RSF) expressed concern that police inspector Neomal Rangajeewa shoved and threatened *Ceylon Today* newspaper photographer Akila Jayawardane outside a Colombo courthouse on July 10. Jayawardane had photographed Rangajeewa at the courthouse where he was being tried in connection with a prison massacre. Jayawardane reported that Rangajeewa then forcibly took him to a police post within the court building where he deleted all Jayawardane’s photographs.

Censorship or Content Restrictions: On several occasions print and electronic media journalists noted they self-censored stories that criticized the president or his family. The journalists said they had received direct calls from supporters of the

SRI LANKA

government asking them to refrain from reporting anything that reflected negatively on the ruling party or opposition politicians.

Some journalists reportedly self-censored because of increased harassment, threats, and intimidation. Human rights groups also reported that two journalists had fled the country since the election of Gotabaya Rajapaksa.

Internet Freedom

There were no credible reports that the government monitored private online communications without appropriate legal authority. The government placed limited restrictions on websites it deemed pornographic.

Academic Freedom and Cultural Events

State university officials reportedly attempted to prevent professors and university students from criticizing government officials. The government interfered with university appointments and credentialing of individuals based on legal activities and political expression.

Jaffna University professor and head of the Law Department, Kumaravadivel Guruparan (also founder and former director of a Tamil advocacy group), resigned from the university on July 16 in protest of the university's 2019 decision to bar him from private legal practice. A leaked August 2019 letter from Army headquarters to the University Grants Commission, the governing body of state universities, suggested Guruparan should be restricted from practicing law while retaining his university post. The letter specifically referenced his work on the 1996 Navatkuli habeas corpus case, representing the families of 24 Tamil youths who disappeared while in military custody. In his resignation letter, Guruparan wrote, "The decision of the council in my view constitutes an abject surrender of the autonomy that this University holds in trust for the benefit of its academic staff and their academic freedom."

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association. The government restricted these rights in some cases.

SRI LANKA

Freedom of Peaceful Assembly

The law provides for freedom of peaceful assembly, but these freedoms were subject to some restrictions. The constitution restricts the freedom of assembly in the interest of religious harmony, national security, public order, or the protection of public health or morality. Freedom of peaceful assembly also may be restricted in the interest of securing due recognition and respect for the rights and freedoms of others or in the interest of meeting the just requirements of the general welfare of a democratic society. Under Police Ordinance Article 77(1), protesters must seek permission from the local police before holding a protest.

The government-imposed islandwide curfews restricting free movement of persons citing COVID-19 concerns. According to civil society and political leaders, authorities used COVID-19 health guidelines in some instances to prevent opposition political rallies, while progovernment rallies proceeded unhindered. Similarly, police, often acting on interim orders from magistrates, repeatedly tried to obstruct protests organized by the families of the disappeared, political parties and civil society actors, citing COVID-19 regulations.

Adhering to public health social distancing guidelines, Tamils in Mullaitivu gathered peacefully to commemorate war victims on May 18, the day the war ended in 2009. The government allowed commemoration of civilians but warned of consequences for those who would commemorate the LTTE. According to press reports, the chief of defense staff and Army commander, Lieutenant General Shavendra Silva, stated that all persons had the right to commemorate war victims but noted that commemoration events would be surveilled. Local political leaders reported the largest event was held at the Mullivaikal memorial site in Mullaitivu, with the participation of approximately 150 families of war victims. Organizers said that while the presence of security forces was notable, they did not disturb the commemoration.

On May 17, the Jaffna Magistrate Court rejected a police request to ban commemorative events, allowing them so long as they abided by health guidelines. At the request of police, however, the court prohibited two specific public commemoration events: one planned by the Tamil National Alliance (TNA)-affiliated *Uthayan* newspaper and another planned by the Tamil National People's

SRI LANKA

Front (TNPF). Additionally, the former chief minister of Northern Province, C. V. Wigneswaran, and former TNA MPs Charles Nirmalanathan, S. Shrirathan, and D. Sithadthan were prevented from attending the Mullaitivu commemoration event by military officials, who cited islandwide public health measures prohibiting persons from crossing district boundaries.

Although many events proceeded peacefully, there were reports that in some cases, Tamils were barred from commemorating war victims on May 18. According to media sources, some would-be attendees of a commemoration in Keerimalai said military officials used “abusive language” and prevented them from entering Hindu temples to honor their lost relatives. During the year a UN Human Rights Council special rapporteur reported that “family members of victims do not have access to memorials and monuments, some of which have been deliberately destroyed; and the prohibition on the memorialization of fallen Tamil Tigers persists.”

On September 14, Jaffna and Batticaloa magistrate courts banned planned commemorations of former Jaffna LTTE political leader R. Parthipan, alias Thileepan. The order also prohibited 20 named members of Tamil political parties as well as the mayor of Jaffna and members of the activist group Families of the Disappeared from participating in the commemoration. The police complaint to the court cited COVID-19 risks, laws prohibiting the commemoration of a banned organization, and the possibility of the revival of LTTE as reasons for the ban.

On November 27, Maaveerar Naal (Great Heroes Day) commemorations were banned through a series of court orders requested by police citing COVID-19 restrictions on public gatherings and the PTA. Observers in Northern Province reported increased security forces presence, with military personnel on motorbikes looking over walls into compounds and making unannounced visits to homes in search of evidence of private commemorations on November 26 (birthday of deceased LTTE leader Prabakaran) and November 27 (Maaveerar Naal). According to civil society contacts, police arrested at least 23 persons, including a Batticaloa-based freelance journalist, for sharing content that glorified the LTTE on social media platforms. According to a police spokesman, a Jaffna-based Catholic priest was also arrested on November 27 for violating a court order

SRI LANKA

banning commemorations and for inciting racial tensions. The Jaffna Magistrate Court released him on bail on November 28.

On June 9, police arrested more than 50 protesters in Colombo who were protesting police brutality in foreign countries and in Sri Lanka. Police were criticized in traditional and social media for their rough handling of the protesters; one video appeared to show police forcing a woman headfirst into a police vehicle. On June 10, officials also arrested lawyer Swastika Arulingam when she inquired into the protesters' arrest. She was charged with violating a court order banning protests and violating COVID-19 quarantine orders and released on bail the same day. The case was pending at year's end.

Freedom of Association

The law provides for freedom of association but imposes restrictions on NGOs and criminalizes association with or membership in banned organizations. Christian groups and churches reported that some authorities classified worship activities as "unauthorized gatherings" and pressured them to end these activities. According to the groups, authorities claimed the groups were not registered with the government, although no law or regulation requires such registration.

During the year civil society reported allegations of surveillance and harassment of civil society organizations, human rights defenders, and families of victims of rights violations, including repeated visits by state security services, who questioned organizations about their staff, finances, and activities. Human rights activists alleged unknown actors believed to be state security officials would call them, issuing threats, alleging staffers had supported terrorism, or suggesting the activists were being surveilled.

The Ministry of Defense handled government oversight of NGO operations, including inspections of NGO finances. In July, President Rajapaksa announced "NGOs will be taken into special attention under the new government formed after the General Election, specifically, how foreign monies and grants are received to the NGOs from foreign countries and further, activities of the international organizations will be observed." In February the Sectoral Oversight Committee on National Security announced plans to regulate finances of NGOs and investigate

SRI LANKA

NGOs registered under the previous government. NGOs reported they were subject to new, excessively burdensome, and redundant reporting requirements, including monthly reports at the district and national level on all project activities, finances, and beneficiaries. Additionally, NGOs receiving foreign funding reported that officers from the police Counterterrorism Investigation Division (CTID) visited their offices or called them in for lengthy and sometimes repeated interrogations related to their project funding. Government NGO Secretariat officials explained that the CTID investigations stemmed from Central Bank of Sri Lanka counterterrorist financing and anti-money laundering regulations and that the CTID was the correct statutory body to conduct such investigations. Some private individuals and businesses reported being subjected to similar investigations. Some NGOs reported their banks refused to release funds from their accounts unless the organizations provided information on NGO programs and staff to local authorities. Some expatriate staff of human rights NGOs had their visa renewals denied while their organizations remained under investigation.

c. Freedom of Religion

See the Department of *State's International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. Human rights organizations described an increase in military presence, including numerous military checkpoints, in the Tamil north, as a measure of the government's COVID-19 response.

e. Status and Treatment of Internally Displaced Persons

The country's civil war, which ended in 2009, caused widespread, prolonged displacement, including forced displacement by the government and the LTTE, particularly of Tamil and Muslim civilians. The Rajapaksa government consolidated the IDP remit of the former Ministry of National Policies, Economic Affairs, Resettlement Rehabilitation, Northern Province Development and Youth

SRI LANKA

Affairs under the State Minister of Rural Housing and Construction & Building Material Industries, but did not report any change in the number of IDPs or any new efforts to resettle them. The majority of IDPs continued to reside in Jaffna, Kilinochchi, Mannar, and Batticaloa Districts in the north and east. While all IDPs had full freedom of movement, most were unable to return home due to: land mines; restrictions designating their home areas as part of HSZs; lack of economic opportunities; inability to access basic public services, including acquiring documents verifying land ownership; lack of government resolution of competing land ownership claims; and other war-related reasons.

f. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, stateless persons, and other persons of concern.

Abuse of Migrants, Refugees, and Stateless Persons: Human rights activists claimed refugees and asylum seekers were under scrutiny in their communities stemming from COVID-19 fears. As a result of airport closures due to COVID-19, no new refugees or asylum seekers arrived after March 18.

Access to Asylum: The law does not provide for the granting of asylum or refugee status. A 2005 memorandum of understanding allows UNHCR to operate in the country to conduct refugee registration and status determinations. UNHCR also facilitated durable solutions for refugees in the form of resettlement to third countries. The government relied on UNHCR to provide food, housing, and education for refugees in the country and to pursue third-country resettlement for them. Asylum seekers, on the other hand, had to rely on the support of NGOs for basic needs.

Access to Basic Services: The law does not permit refugees and asylum seekers to work or enroll in the government school system, but many worked informally. Refugees and asylum seekers registered with UNHCR had access to free health care in state hospitals.

SRI LANKA

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens with the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In March, President Rajapaksa dissolved parliament, calling for an election in April. The Elections Commission postponed the election twice, citing COVID-19 concerns, which allowed the president to govern without the opposition-controlled legislature for five months. On June 2, the Supreme Court unanimously dismissed seven petitions challenging President Rajapaksa's dissolution of parliament. On June 10, the Elections Commission announced the general election would be held on August 5, after more than five months' delay due to the COVID-19 pandemic.

Parliamentary elections were conducted on August 5. The ruling Sri Lanka Podujana Peramuna (SLPP) won 59 percent of the vote, or 145 seats, just shy of the two-thirds majority (150 seats) it sought. The SLPP reached a two-thirds majority coalition with the support of smaller, progovernment parties that ran independently of the SLPP but joined or aligned with the SLPP-led Sri Lankan People's Freedom Alliance. The Samagi Jana Balawegaya (SJB) came in second, with 23.9 percent of the vote and 54 seats. The United National Party, the country's founding political party, won 2.61 percent. The parliamentary elections were conducted peacefully, with few reported violations, no violence, and public-health guidelines largely adhered to by voters.

COVID-19 travel restrictions and public-health guidelines prevented the travel of international observers and limited domestic election observers. The election was largely considered free and fair, although civil society and some monitoring bodies reported some instances of voter intimidation.

Political Parties and Political Participation: There were no reports of restrictions on political parties participating in elections except for those prohibited due to terrorist affiliations.

SRI LANKA

Participation of Women and Members of Minority Groups: No laws limit the participation of women or members of minority Groups in the political process, and they did participate. There were reports of harassment of women and minorities prior to the parliamentary elections in August. Although women formed the majority of the electorate, only 5 percent of elected legislators were women.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year. Those cases that were pursued, however, focused on low-level officials and police officers accused of accepting bribes.

Corruption: Corruption remained a significant and continuing problem, including at the highest levels of government. International companies frequently reported requests for bribes on matters ranging from customs clearances to government procurement.

In September authorities arrested 18 Police Narcotic Bureau officers who, according to media reports, had assisted drug dealers in the transportation and distribution of drugs while earning large commissions. Following the arrests, the National Police Commission (NPC) requested the acting inspector general of police to submit a proposal to set up a new unit to monitor police officers attached to sensitive areas of the Department of Police. The NPC instructed that the unit supervise the asset declarations and bank accounts of officers in sensitive positions.

Financial Disclosure: The law requires all candidates for parliamentary, local government, provincial, and presidential elections to declare their assets and liabilities to the speaker of parliament. Some but not all candidates in parliamentary elections submitted their financial reports to the speaker, but authorities did not enforce compliance. By law, members of the public may access records relating to the assets and liabilities of elected officials by paying a fee.

SRI LANKA

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Several domestic and international human rights groups investigated and published findings on human rights cases. Government officials, however, were unreceptive to findings and employed bureaucratic obfuscation to inhibit the work of such organizations.

The United Nations and Other International Bodies: UNHRC continued to have a country-specific resolution related to addressing justice, accountability, and reconciliation in the country.

The government did not implement a mechanism to hold accountable military and security personnel accused of atrocities during the 1983-2009 civil war as called for in 2015 by UN Human Rights Council (UNHRC) Resolution 30/1. In February, Foreign Relations Minister Dinesh Gunawardena announced in Geneva that the government of Sri Lanka would withdraw its cosponsorship of the resolution. Gunawardena stated that the government would continue to pursue a reconciliation and accountability strategy based on the mandate of the government and the constitution of Sri Lanka. As of year's end, no such plan had been presented.

In February the United Nations high commissioner for human rights expressed concern for the government's inability to address impunity, saying it may lead to a relapse in human rights violations. The report warned of a possible reversal of commitments made by the previous government that could hinder progress on reconciliation and human rights. It noted the harassment and surveillance of human rights defenders who travelled to Geneva to attend sessions of the Human Rights Council and who were questioned about the motives of their trips by the security services. In a June 28 campaign speech, Prime Minister Mahinda Rajapaksa stated, "Let's defeat local and foreign conspiracies against Sri Lanka." He went on to criticize legal cases filed against military personnel, UNHRC Resolution 30/1, and Sri Lanka's 2018 accession to the international convention for the protection of all persons from enforced disappearance. He referred to the

SRI LANKA

postwar accountability and reconciliation efforts of the previous government as conspiracies against the nation and reprisals against war heroes.

On September 30, UN Secretary-General Antonio Guterres stated that the UN Office of the High Commissioner for Human Rights (OHCHR) continued to receive allegations of surveillance and harassment of civil society organizations, human rights defenders, and families of victims of rights violations, including repeated visits by police and intelligence services, questioning organizations about their staff and activities related to the United Nations. In its report to the 45th session of the UN Human Rights Council, the Working Group on Enforced or Involuntary Disappearances expressed concern regarding the deteriorating space for civil society, stressed the need to protect witnesses from intimidation, harassment, or mistreatment, and called on the government to protect the right of victims to associate in an effort to establish the fate of disappeared persons.

Government Human Rights Bodies: The HRCSL has jurisdiction to investigate human rights violations. The HRCSL consists of five commissioners and has divisions for investigations, education, monitoring and review, and administration and finance. The HRCSL accepts complaints from the public and may also self-initiate investigations. After an allegation is proven to the satisfaction of the commission, the HRCSL may recommend financial compensation for victims, refer the case for administrative disciplinary action or to the attorney general for prosecution, or both. If the government does not follow an HRCSL request for evidence, the HRCSL may summon witnesses from the government to explain its action. If the HRCSL finds the government has not complied with its request, the HRCSL may refer the case to the High Court for prosecution for contempt by the Attorney General's Department, an offense punishable by imprisonment or fine. By statute, the HRCSL has wide powers and resources and may not be called as a witness in any court of law or be sued for matters relating to its official duties. The HRCSL generally operated independent of and with lack of interference from the government.

The HRCSL was also responsible for vetting the country's peacekeepers. The memorandum of understanding between the United Nations, HRCSL, the Ministry

SRI LANKA

of Defense, and the Ministry of Law and Order for the vetting of military and police participants in peacekeeping operations was finalized in 2018.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law prohibits rape and domestic violence, but enforcement of the law was inconsistent. The law does not explicitly criminalize rape of men but does criminalize “grave sexual abuse.” The prescribed penalties for rape are seven to 20 years’ imprisonment and a fine of at least 200,000 rupees, a modest amount. For domestic violence, a victim can obtain a protection order for one year and request a maintenance allowance. The law prohibits spousal rape only if the spouses are legally separated.

Women’s organizations reported police and judiciary responses to rape and domestic violence incidents and cases were inadequate. The police Bureau for the Prevention of Abuse of Women and Children conducted awareness programs in schools and at the grassroots level to encourage women to file complaints. Police continued to establish women’s units in police stations. Services to assist survivors of rape and domestic violence, such as crisis centers, legal aid, and counseling, were generally scarce nationwide due to a lack of funding.

Female Genital Mutilation/Cutting (FGM/C): Some of the country’s Muslims historically practiced FGM/C, but it was not a part of public discourse until recent years, when media articles drew attention to the practice. There were no statistics on the current prevalence of FGM/C in the country, which does not have laws against FGM/C, although it was not believed to be widely practiced. Several civil society groups led mostly by Muslim women continued to campaign against FGM/C.

Sexual Harassment: Sexual harassment is a criminal offense carrying a maximum sentence of five years in prison. Sexual harassment was common and was a particularly widespread problem in public transport.

SRI LANKA

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children and to manage their reproductive health. They have access to the information and means to do so, free from discrimination, coercion, or violence. No significant legal, social, or cultural barriers adversely affected access to skilled health attendance during pregnancy and childbirth or contraception. In April the Family Planning Association of Sri Lanka reported that sexual and reproductive health services, in both the public and private sectors, were heavily curtailed during COVID-19 lockdowns except for deliveries and pregnancy-related services. Most pharmacies remained open during lockdowns and many contraceptives remained accessible.

The government provided access to sexual and reproductive health services for survivors of sexual violence; however, NGOs reported police were often unaware of resources available, limiting referrals.

Female genital mutilation (FGM) was practiced by some parts of the Muslim community. A 2018 Ministry of Health circular banned medical practitioners from carrying out FGM, but, since the practice was usually carried out by traditional practitioners known as *Ostha Maamis*, activists said the prohibition had little effect.

Coercion in Population Control: There were no credible reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: Women have equal rights to men under civil and criminal law. Adjudication of questions related to family law, including marriage, divorce, child custody, and inheritance, varied according to the customary law of each ethnic or religious group, resulting in discrimination.

The National Police Commission increased the contribution of women in the police service by increasing the number of female officers at each post.

Children

Birth Registration: Children obtain citizenship from their parents.

SRI LANKA

Child Abuse: According to reports and evidence from fundamental rights applications and complaints filed with police during the year, school authorities frequently violated government regulations banning corporal punishment in schools. There was also growing public concern regarding the high incidence of violence, including sexual violence, against children in the family and community.

Despite successful efforts to reform the penal code, the basic criminal law, and other laws on child abuse, cruelty to children and their exploitation in trafficking and child labor persisted. Penalties vary based on the type and degree of child abuse, but trials tended to drag on for years.

Most child abuse complaints are received by the National Child Protection Authority (NCPA) via a toll-free 24-hour hotline. Teachers, school principals, and religious instructors reportedly sexually abused children. Civil society organizations working on children's issues asserted children had insufficient mechanisms to report domestic violence or abuse safely. Although police stations are supposed to have an officer dedicated to handling abuse complaints from women and children, the government did not consistently implement this practice nationwide. Although the police Children and Women Bureau played a major role in investigating abuse cases, depending on the severity of the case, some fall under the jurisdiction of the magistrates' courts as outlined in the criminal procedure code. In these instances, police file a formal complaint sheet and begin a judicial medical process. The attorney general files indictments for child abuse cases exclusively in high courts.

Ministry of Justice data confirmed a backlog of more than 20,000 cases of child abuse dating back more than a decade, with 5,292 cases of child sexual harassment reported in the first six months of the year. On August 18, however, the Attorney General's Department announced it concluded 12,968 cases of child abuse sent by police from January 2019 to July 2020 and forwarded indictments against suspects in 6,149 cases. The Attorney General's Department declined to proceed with 4,372 cases and instructed police to investigate 2,447 cases further.

Child, Early, and Forced Marriage: Civil law sets the minimum legal age for marriage at 18 for both men and women, although girls may marry at age 16 with parental consent. According to the penal code, sexual intercourse with a girl

SRI LANKA

younger than 16, with or without her consent, amounts to statutory rape. The provision, however, does not apply to married Muslim girls older than 12. The Muslim Marriage and Divorce Act, which applies only to Muslims, permits the marriage of girls as young as 12 with the consent of the bride's father, other male relatives, or a *quazi* (a judge who interprets and administers Islamic law).

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children, the sale of children, offering or procuring a child for child prostitution, and practices related to child pornography, but authorities did not always enforce the law. The minimum age for consensual sex is 16.

Displaced Children: IDP welfare centers and relocation sites exposed children to the same difficult conditions as adult IDPs and returnees in these areas.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

The Jewish population was very small. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

Various laws forbid discrimination against any person with physical, sensory, intellectual, or mental disabilities in employment, education, air travel, other public transportation, and access to health care. In practice, however, discrimination occurred in employment, education, and provision of state services, including public transportation. Children with disabilities attended school at a lower rate than other persons. There were regulations on accessibility, but accommodation

SRI LANKA

for access to buildings and public transportation for persons with disabilities was rare.

There are legal provisions for assisted voting of persons with disabilities. Anyone with a partial or full visual or physical disability may their ballot with the assistance of a person of their choice or the senior presiding officer if they are unable to be accompanied by an assistant. According to the Asian Network for Free Elections, most polling stations had steps for which wheelchair-bound voters required assistance. Election assistance to persons with disabilities was limited in some instances due to conflicting COVID-19 social distancing regulations.

Members of National/Racial/Ethnic Minority Groups

Both local and Indian-origin Tamils maintained that they suffered long-standing, systematic discrimination in university education, government employment, housing, health services, language laws, and procedures for naturalization of noncitizens. Throughout the country, but especially in the north and east, Tamils reported security forces regularly monitored and harassed members of their community, especially activists, journalists, and former or suspected former LTTE members.

The government failed to prosecute individuals and groups involved in vandalizing mosques, Muslim-owned businesses, and homes after the May 2019 riots that followed the Easter Sunday terrorist attacks. Some extremist Buddhist monks and other extremist groups continued to use hate speech on social media with impunity.

On May 19, Human Rights Watch stated the government used the COVID-19 pandemic to “stoke communal tensions” as well as to limit religious freedom. Human Rights Watch reported that authorities did not intervene or speak out when social media users falsely claimed Muslims were purposefully spreading COVID-19 and others called for boycotts of Muslim-owned businesses.

Since March the government, contrary to global health guidelines, forced Sri Lankans to cremate their dead during the COVID-19 pandemic, violating Muslim religious tenants and the religious preferences of some Christians and Buddhists. Four UN special rapporteurs wrote to President Rajapaksa condemning the burial

SRI LANKA

ban in April. Government authorities violated patient confidentiality by disclosing the ethnic or religious identity of COVID-19 patients.

Indigenous People

The country's indigenous people, known as Veddas, reportedly numbered fewer than 1,000. Some preferred to maintain their traditional way of life, and the law generally protected them. They freely participated in political and economic life without legal restrictions, but some did not have legal documents.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

The law criminalizes consensual same-sex sexual conduct between adults. Those convicted of engaging in same-sex sexual activity in private or in public face 10 years' imprisonment. Although prosecutions were rare, human rights organizations reported police used the threat of arrest to assault, harass, and sexually and monetarily extort LGBTI individuals. Antidiscrimination laws do not prohibit discrimination based on sexual orientation and gender identity.

Transgender persons continued to face societal discrimination, including arbitrary detention, mistreatment, and discrimination accessing employment, housing, and health care.

On October 20, Human Rights Watch and LGBTQ rights NGO Equal Ground said in a statement that authorities have subjected at least seven persons to forced physical examinations, including forced anal and vaginal examination, since 2017 in an attempt to provide proof of homosexual conduct.

LGBTQ rights advocates said that authorities abused six defendants detained for male homosexual conduct following their arrest in October 2019. This included whipping them with wires and courts ordering three of the men to undergo HIV tests without their consent, the results of which were made public in court. One defendant said that after the police severely whipped him, they forced him to undergo an anal examination. In another case, a man was threatened that a choice to reject an anal exam could be used against him in a potential prosecution.

SRI LANKA

HIV and AIDS Social Stigma

Persons who provided HIV prevention services and groups at high risk of infection reportedly suffered discrimination. In addition, hospital officials reportedly publicized the HIV-positive status of their patients and occasionally refused to provide health care to HIV-positive persons.

The number of HIV-infected male patients between the ages of 19 and 25 appeared on the rise in the country, according to the National Sexually Transmitted Disease (STD)/AIDS Control Program of the Ministry of Health. The ministry reported in August that there were 3,600 HIV-positive patients in the country, but only 2,000 HIV-positive patients were registered with the National STD/AIDS Control Program and were receiving antiretroviral treatment.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join unions of their choice. Exceptions include members of the armed forces, police officers, judicial officers, and prison officers. Workers in nonessential services industries, except for workers in public-service unions, have the legal right to bargain collectively. The law does not explicitly recognize the right to strike, but courts recognized an implied right to strike based on the Trade Unions Ordinance and the Industrial Disputes Act. Nonunion worker councils tended to represent labor in export processing zone (EPZ) enterprises, although several unions operated in the zones. According to the Board of Investment, which operates the EPZs, if both a recognized trade union with bargaining power and a nonunion worker council exist in an enterprise, the trade union would have the power to represent the employees in collective bargaining.

Under emergency regulations of the public security ordinance, the president has broad discretion to declare sectors “essential” to national security, the life of the community, or the preservation of public order and to revoke those workers’ rights to conduct legal strikes. In addition to the public security ordinance, the law allows the president to declare services provided by government agencies as

SRI LANKA

“essential” public services. The law prohibits retribution against striking workers in nonessential sectors. Seven workers may form a union, adopt a charter, elect leaders, and publicize their views, but a union must represent 40 percent of workers at a given enterprise before the law obligates the employer to bargain with the union. Unions that do not meet the 40 percent threshold can merge with others and operate as one. The International Trade Union Confederation reported that employers used the 40 percent threshold to refuse to bargain with unions. The law does not permit public-sector unions to form federations or represent workers from more than one branch or department of government. The Labor Ministry may cancel a union’s registration if it fails to submit an annual report for three years.

The law prohibits antiunion discrimination. Labor laws do not cover domestic workers employed in the homes of others or informal-sector workers.

The law allows unions to conduct their activities without interference, but the government enforced the law unevenly. Violations for antiunion discrimination may result in a fine of 100,000 rupees (\$578). The law requires an employer found guilty of antiunion discrimination to reinstate workers fired for union activities, but it may transfer them to different locations. These penalties were commensurate with those under other laws involving denials of civil rights, such as discrimination. Only the Labor Ministry has legal standing to pursue an unfair labor practice case, including for antiunion discrimination.

Only the Department of Labor may bring antiunion discrimination cases before a magistrate’s court, not victims of such discrimination. From 1999 to 2019, the Labor Ministry filed 14 cases against companies for unfair labor practices (ULP) under the Industrial Disputes Act. The ministry did not file any new ULP cases during the year. Citing routine government inaction on alleged violations of labor rights, some unions pressed for standing to sue for ULPs, while some smaller unions did not want that ability because of the cost of filing cases. Workers brought some labor violations to court under the Termination of Employment and Workmen Act and the Payment of Gratuity Act. Lengthy delays hindered judicial procedures. The Industrial Dispute Act does not apply to the public sector, and public-sector unions had no formal dispute resolution mechanism. In addition, most large-scale private firms in the services sector, other than banks and tourist

SRI LANKA

hotels, prohibited forming or joining a labor union within work premises and included it as a binding clause in the letter of appointment or contracts signed between the employee and the firm; this practice transgresses the country's legal framework.

The government generally respected the freedom of association and the right to bargain collectively. Public-sector unions staged numerous work stoppages on several issues, ranging from government moves to privatize state-owned enterprises to wage issues. The International Labor Organization expressed concern that EPZ enterprises refused to recognize the right of unions to bargain collectively.

In November, in response to the COVID-19 pandemic, President Rajapaksa issued an "extraordinary gazette" that made the Ports Authority an essential public service, therefore making port workers essential employees. Under Rajapaksa's essential services act, any port employee not attending work faces "conviction after summary trial before a magistrate" and is "liable to rigorous imprisonment" of two to five years, a fine between 2,000 and 5,000 rupees (\$11 and \$25), or both. The essential service acts were previously used to break strikes and protests and negatively impacted workers deemed "essential." When emergency laws are declared, essential service orders can be extended to the private sector as well.

While some unions in the public sector were politically independent, most large unions were affiliated with political parties and played a prominent role in the political process.

Unions alleged that employers often indefinitely delayed recognition of unions to avoid collective bargaining, decrease support for unionization, or identify, terminate, and sometimes assault or threaten union activists. The Ministry of Labor requires labor commissioners to hold union certification elections within 30 working days of an application for registration if there was no objection or within 45 working days if there was an objection.

Seven unions representing EPZ employees made a series of proposals to the labor minister to protect their rights and safety during the COVID-19 pandemic. The labor unions that wrote the proposals were supported by 20 civil society

SRI LANKA

organizations. While the government took steps to implement a 5,000 rupee (\$26.50) COVID-19 subsidy for EPZ employees, there were reports the subsidy was insufficient, with most workers out of work for months.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced and compulsory labor, but penalties were not commensurate with those for other analogous serious crimes, such as kidnapping. The government did not effectively enforce the laws due to inadequate resources, inspections, and remediation efforts, as well as a lack of identification of forced labor cases. Labor Ministry inspections did not extend to domestic workers. The government sporadically prosecuted labor agents who fraudulently recruited migrant workers yet appeared to sustain its monthly meetings to improve interministerial coordination.

Children between the ages of 14 and 18 and women working as live-in domestic workers in some homes were vulnerable to forced labor (see section 7.c.).

Traffickers exploited men, women, and children in forced labor and commercial sexual exploitation. Traffickers recruited women from rural areas with promises of urban jobs in the hospitality sector, salons, spas, and domestic work but exploited some in forced labor. While conditions for most tea plantation workers on larger corporate tea estates met international certification standards, such as Fair Trade, some smaller tea estate owners exploited men and women in bonded labor. NGOs documented cases in which employers “sold” workers’ debts to another estate and forced the workers to move. The same reports stated that some tea estates illegally deducted more than 75 percent of workers’ daily earnings for miscellaneous fees and repayment of debts, including charging workers for the pay slip itself. Three international organizations reported the forced labor continued on at least nine tea estates during the year.

Police continued to arrest trafficking victims for vagrancy, prostitution, and immigration offenses. Police allegedly accepted bribes to permit commercial sexual exploitation, and NGOs reported that workers in government and private shelters for trafficking victims abused and exploited residents.

SRI LANKA

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment is 14, although the law permits the employment of younger children by their parents or guardians in limited family agricultural work or technical training. The government increased the compulsory age of education from 14 to 16 in 2016. The law prohibits hazardous work for persons younger than 18. The law limits the working hours of children ages 14 and 15 to nine hours per day and of children ages 16 and 17 to 10 hours per day. The government estimated less than 1 percent of children--approximately 40,000--were working, although employment was often in hazardous occupations. The government classifies 51 activities as hazardous. Although the government did not effectively enforce all laws, existing penalties were commensurate with those for other analogous serious crimes, such as kidnapping.

The Labor Ministry made some progress in eliminating the worst forms of child labor. The government appointed district coordinators with responsibility for reducing child labor in all 25 districts and provided new guidelines for district officials. The Department of Labor continued its efforts to monitor workplaces on the list of hazardous work for children. The government reported there were 11 shelters for child victims of trafficking at the provincial level.

Children worked in the construction, manufacturing, mining, transport, street vending, and fishing industries and as cleaners and helpers, domestic workers, and street vendors. Children also worked in agriculture during harvest periods. Children displaced by the war were especially vulnerable to employment in hazardous labor.

The list of hazardous work prohibited for children younger than 18 does not include domestic labor. Family enterprises, such as family farms, crafts, small trade establishments, restaurants, and repair shops, commonly employed children. Criminals reportedly exploited children, especially boys, for prostitution in coastal areas catering to sex tourists (see section 6, Children).

SRI LANKA

COVID-19-induced school closures were disproportionately harmful for children in rural areas and plantation communities because they had significantly less access to internet and technology. They also had lower school completion rates and were among the poorest regions in the country.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination with Respect to Employment and Occupation

The constitution prohibits discrimination, including with respect to employment and occupation, on the basis of race, religion, language, caste, sex, political opinion, or place of birth. The law does not prohibit employment or occupational discrimination on the basis of color, sexual orientation or gender identity, age, HIV-positive status, or status with regard to other communicable diseases.

Women have a wide range of workforce restrictions, including caps on overtime work and limits on nighttime shifts. Women are restricted from certain jobs. Women are prohibited from working in mines, except under certain circumstances and are equated with young persons in laws prohibiting cleaning of transmission machinery while in motion.

Employers are required to bear the full cost of providing maternity-leave benefits to their employees for 12 weeks. The labor market was characterized by high female unemployment and low female labor force participation. Unemployment rates for women below the age of 40 were much higher than they were for men, and this discrepancy was also connected to age. A woman between the ages of 25 and 39 seeking employment was 3.8 times more likely to be unemployed than a man seeking employment in the same age cohort. An estimated 55 percent of employees in the public sector were men and 45 percent were women. In contrast, 70 percent of employees outside the public sector were men and only 30 percent were women.

In October the Development Officers Service Union claimed that the 84 days of maternity leave that was entitled to its female members since 2013 to breastfeed children was reduced by the government to 42 days.

SRI LANKA

The government did not always effectively enforce these laws, and discrimination based on the above categories occurred with respect to employment and occupation. Penalties were commensurate to those under laws related to civil rights, such as election interference. For example, some employers specified particular positions as requiring male or female applicants, and women often earned less than men for equal work. The earnings gap between men and women widened to 15.9 percent. Companies also openly evaded paying legally mandated maternity benefits through hiring discrimination of young women. The Ministry of Women's Affairs also described widespread social stigma and harassment and minimal childcare services. The Ministry of Women worked with the World Bank to open career centers for women business owners to offer technical and vocational training for in-demand occupations. The ministry also expanded day-care centers across the country and offered tax incentives to cover the salaries for women on maternity leave.

e. Acceptable Conditions of Work

The parliament passed its first-ever national minimum wage law in 2015. The Department of Labor's wage boards continued to set minimum wages and working conditions by sector and industry in consultation with unions and employers. Public-sector salary was 34,550 rupees (\$186). The minimum private-sector and public-sector wages were above the government's official poverty line.

The law prohibits most full-time workers from regularly working more than 45 hours per week (a five-and-one-half-day workweek). In addition, the law stipulates a rest period of one hour per day. Regulations limit the maximum overtime hours to 15 per week. Overtime pay is 1.5 times the basic wage and is paid for work beyond 45 hours per week and work on Sundays or holidays. The provision limiting basic work hours is not applicable to managers and executives in public institutions. The law provides for paid annual holidays.

Enforcement of minimum wage and overtime laws was insufficient. Under the Shop and Office Act, penalties for violating hours of work laws are a fine of 500 rupees (\$2.89), six months' imprisonment, or both. The law provides for a fine of 50 rupees (\$0.29) per day if the offense continues after conviction. These penalties were commensurate with those for similar crimes, such as fraud. Labor inspectors

SRI LANKA

did not monitor wages or working conditions or provide programs or social protections for informal-sector workers. In 2018 amendments to the factory's ordinance and the wages board ordinance increased fines for nonpayment of salaries to workers under the purview of the wages board to between 5,000 rupees (\$27) and 10,000 rupees (\$55), along with imprisonment not exceeding one year.

The government sets occupational health and safety standards. Workers have the right to remove themselves from dangerous situations, but many workers had no knowledge of such rights or feared that they would lose their jobs if they did so.

Authorities did not effectively enforce occupational safety and health standards in all sectors. Penalties for violations of occupational safety and health laws were commensurate with those for crimes such as negligence. The Labor Ministry's resources, inspections, and remediation efforts were insufficient. The number of labor inspectors was insufficient for the country's workforce. Occupational health and safety standards in the rapidly growing construction sector, including infrastructure development projects, such as port, airport, and road construction, as well as high-rise buildings, were insufficient. Employers, particularly those in the construction industry, increasingly used contract employment for work of a regular nature, and contract workers had fewer safeguards. According to the *2019 Labor Survey*, approximately 62 percent of the country's workforce was employed informally, and legal entitlements enjoyed by formal-sector workers such as Employees Provident Fund, Employees Trust Fund, paid leave, gratuity payments, and security of employment, were not available to a large majority of the aggregate workforce in the country.

Labor Ministry inspectors verified whether employers fully paid employees and contributed to pension funds as required by law. Unions questioned, however, whether the ministry's inspections were effective. The Labor Department used a computerized labor information system application designed to improve the efficiency and effectiveness of inspections, but officials and trade unions noted concerns that the system was not well maintained.

When the government imposed a countrywide lockdown on March 20 due to COVID-19, employers in FTZs forced workers to continue working until cases spread and workers protested. After one month, several large companies resumed

SRI LANKA

work, putting workers in unsafe conditions amid rising COVID-19 infections. The workers did not received their wages for March and April when they returned. Factory workforces experienced serious job cuts.